UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,763	11/10/2003	Matt Clark	109927-135180	4383

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/705,763	CLARK ET AL.
	Examiner	Art Unit	
	Chuck Huynh	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 August 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The Art Unit location of your application in the USPTO has changed. To
aid in correlating any papers for this application, all further correspondence
regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the
fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.
Since this application is eligible for continued examination under 37 CFR 1.114,
and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the
previous Office action has been withdrawn pursuant to 37 CFR 1.114.
Applicant's submission filed on 8/9/2006 has been entered.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-15 have been considered
but are moot in view of the new ground(s) of rejection.

        Applicant argued that accordingly, Cline does not teach a "vendor-
agnostic data service request," as is claimed by amended claim 1 of the present
invention. The only service request initiated by the client in Cline (i.e., the
submitting of the applet/form) is a vendor-specific service request. The service
request in Cline is based on a specific service of a specific vendor discovered by

the client in browsing the service directory. Thus, the service request is not a

generic request to be addressed by a vendor of the server's choosing, as is

claimed in amended claim 1, but a specific request for service from a specific

vendor.

Regarding claim 1, vendor-agnostic data simply implies that a user when

requesting a service selects no specific vendor. As disclosed in Cline, the user

requests the service (through an applet/form), and then the server selects the

appropriate vendor (Page 2, [0019]).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   Claims 1-12 rejected under 35 U.S.C. 103(a) as being unpatentable over

Cline et al. (US 2002/0103820; hereinafter Cline) in view of Ramachandran et al.

(US 20030083892; hereinafter Ramachandran).

Regarding claim 1, Cline discloses a method comprising:

receiving by a server, a vendor-agnostic data service request initiated by a

client device (a request/search for a service/item Page 1-2, [0012], [0015] –

[0020]); and

providing the response object to a framework service associated with the

client device to create a solution set for the client device including at least the

response object (Page 2, [0018-0019], [0027-0028]; Fig. 1);

even though Cline mentions that multiple vendors can provide the

requested service, Cline does not go into details about

determining by the server, at least a first and second vendor to provide a

first and a second service response to the vendor-agnostic data service request;

communicating the vendor-agnostic data service request from the server

to said first and second vendors, respectively, in accordance with an application

programming interface (API) prescribed by the server; and

processing by the server, the first and second service response supplied

by the first and second vendors respectively, to create a response object for the

vendor-agnostic data service request, the response object including the first and .

second service responses.

However, Ramachandran does disclose the limitations of

determining by the server, at least a first and second vendor to provide a

first and a second service response to the vendor-agnostic data service request

(Page 16-17, [0160]-[0164]);

communicating the vendor-agnostic data service request from the server

to said first and second vendors, respectively, in accordance with an application

programming interface (API) prescribed by the server (Page 16-17, [0160]-
[0164]);

processing by the server, the first and second service response supplied
by the first and second vendors respectively, to create a response object for the
vendor-agnostic data service request, the response object including the first and
second service responses (Page 17, [0163]).

It would have been obvious to one ordinarily skilled in the art at the time of
invention to implement Ramachandran's disclosure to provide more options and
selections for user's convenience.

Regarding claim 2, the method of Claim 1, wherein said solution set
comprises a dynamically generated request for additional information (Page 1,
[0016]; the form in Fig.1, no.134).

Regarding claim 3, the method of Claim 1, wherein at least one of said
processing of said first or second service responses comprises applying a
predetermined solution template (XML templates or XSLT: Page 1-2, [0017],
[0019]).

Regarding claim 4, the method of Claim 3, wherein said predetermined
solution template is an XSLT (Page 1-2, [0017], [0019]).

Regarding claim 5, Cline does disclose the method of Claim 1, wherein said vendor-agnostic data service request comprises a plurality of concepts ('concepts' is interpreted as requested specified data indicated by client Page 1, [0016, 0017]).

Regarding claim 6, Cline discloses the method of Claim 1, wherein said vendor-agnostic data service request comprises command selected from a solution set previously provided to the client device (service directory [0022]; list of services [0025])

Regarding claim 7, Cline does disclose the method of Claim 6, wherein said command is a selected from one the group consisting of submit concepts, accept, reserve, purchase, cancel, do, get info request, get info, get status, get concepts, check health, and acknowledge response (purchasing, Page 2, [0025]).

Regarding claim 8, Cline discloses the method of Claim 1, wherein either said first or second service response is of a predetermined response type (a base schema with a common service vocabulary; Page 1, [0017]).

Regarding claim 9, Cline discloses the method of Claim 8, wherein said predetermined response type is a selected one from the group consisting of:

search, accept, reserve, purchase, cancel, status, info request, info, concepts,

message, health, and acknowledge reply (status, Page 2, [0018]).

Regarding claim 10, Cline discloses the method of Claim 1, wherein either

said first or second service response comprises at least one of a result,

transaction data, message, dynamic concepts, info request, and auxiliary

message (Page 2, [0018], Page 1, [0015]).

Regarding claim 11, Cline discloses the method of Claim 1, wherein said

solution set comprises a plurality of elements selected from html files, custom

menus, custom buttons, calendar information, favorites information and text

information (this is interpreted to be the server initiating a response according to

the client's requested information and based on client's provided information

(Page 1, [0017]).

Regarding claim 12, Cline discloses the method of Claim 12, further

comprising updating a local application data structure with at least one of said

elements (Page 2, [0017], [0027]).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Cline.

        Regarding claim 13, Cline discloses the method of Claim 1, further

comprising:

        receiving by said server, a data service command from the client device

(Page 1, [0016]; Page 1-2, [0012], [0015] – [0020]);

        determining by the server, at least one vendor to provide a service

response to the data service command; (Page 1-2, [0017] – [0020]);

        communicating the data service command from the server to the at least

one vendor, in accordance with an application programming interface (API)

prescribed by the server (Page 1-2, [0017] – [0020]);

        processing by the server, the service response to create a response

object for the data service command, the response object including the service

response (responding to service requests: Page 1, [0017] - Page 2, [0018-0019],

[0027-0028]; Fig. 1); and

        providing the response object to a framework service associated with the

client device to create a solution set for the client device including at least the

response object (providing user with requested service: Page 1, [0017] -Page 2,

[0018-0019], [0027-0028]; Fig. 1).

Regarding claim 14 it is inherent within Cline's disclosure to include a

computer readable medium containing computer executable instructions for

performing the actions of the method of any one of Claims 1-13.

Regarding claim 15, it is inherent within Cline's disclosure that a computer

system having a processor and a memory coupled to the processor containing

computer executable instructions operative to perform the actions of the method

of any one of Claims 1-13.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Chuck Huynh whose telephone number is

571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh

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